IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1575 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DEVJI NARAN BHUDIA THRO'P.O.A.ARJAN DEVJI BHUDIA

Versus

VELJI MAVJI DABASIA

Appearance:

1. Civil Revision Application No. 1575 of 1997

MR MUKESH A PATEL for Petitioner No. 1

MR NV ANJARIA for Respondent No. 1

MR RM CHAUHAN, AGP for Respondent No. 2-3

MR HS MUNSHAW for Respondent No. 4-5

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 03/03/2004

ORAL JUDGEMENT

The petitioner is the original plaintiff of

Regular Civil Suit No.28/1996, which is pending in the Court of Civil Judge (S.D.), Kutch-Bhuj. In the said suit, plaintiff gave an application Exh.5 for interim direction. The trial Court rejected the said application, against which the present petitioner preferred an appeal being Misc.Civil Appeal No.4/1997. The appellate Court also rejected the said appeal, against which this Civil Revision Application is preferred.

2) As this Civil Revision Application is preferred against an interlocutory order, in view of the amendment in Section 115 of C.P.C. such revision is not maintainable. Accordingly, this Civil Revision Application is rejected, as not maintainable. It is clarified that it will be open for the petitioner herein to challenge the impugned order of the appellate Court by filing a petition under Article 227 of the Constitution of India.

3) Subject to what is stated above this Civil Revision Application is rejected as not maintainable. Rule is discharged. No order as to costs.

(P.B.Majmudar,J.)

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